

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Jennifer Steingasser, Deputy Director

**DATE:** October 25, 2012

**SUBJECT:** Zoning Commission # 12-09 – New Office building at 1111 New Jersey SE - Capital Gateway Overlay District-M Street Design Review (Square 743-N , Lots 78 and 834).

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### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) supports the proposal for a 13-story residential development with ground floor retail as the proposal has generally incorporated and addressed most of the criteria of the Capitol Gateway Overlay. OP has requested that the applicant address the following issues prior to the public hearing:

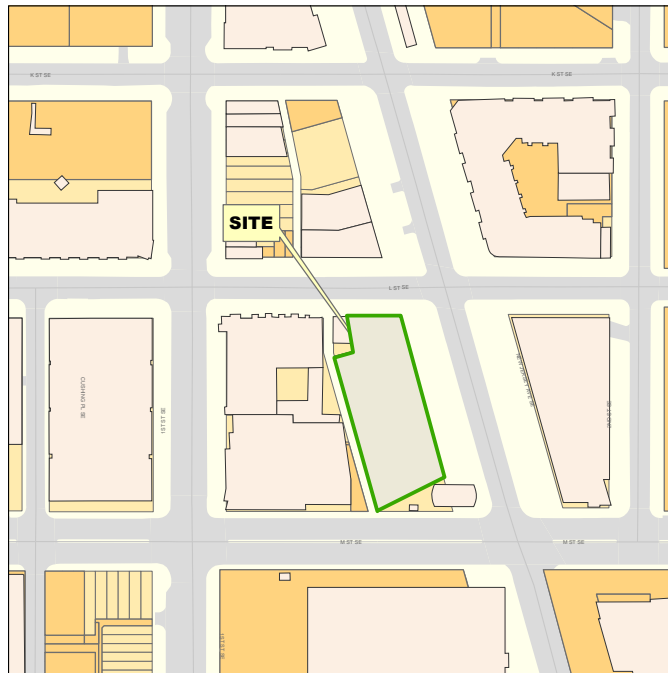
- Lighting and retail signage;
- Relocation of PEPCO vaults;
- Improving the green building program to at least LEED Silver level;
- Integration of stormwater management features in the green areas along New Jersey Avenue;
- Bicycle rack location along New Jersey Avenue;
- Label areas of roof structure relief;
- Define accessory recreational use area; and
- L Street and alley façade improvement.

### **II. AREA AND PROPERTY DESCRIPTION**

The subject site is within Square 743-N (Lots 78 and 834) which is bounded by 1<sup>st</sup> Street on the west, L Street on the north, New Jersey Avenue on the east, and M Street SE on the south. The site is located on the south eastern portion of the square and fronts on three streets, L Street, New Jersey Avenue, and M Street. The majority of the site is vacant but has the two-story, St. Matthews Baptist Church on its northern portion. The property is zoned C-3-C/CG (Medium-high density development, including office, retail, housing and mixed use development/Capitol Gateway Overlay District). The Capitol Gateway Overlay District only extends for 150 feet from M Street. The site is also within the Capitol South Transfer Development Rights (TDR) receiving zone.

The site is within an area that has undergone considerable redevelopment. At the southeast corner of the property (intersection of M and New Jersey Streets, SE) is the east entrance to the Navy Yard Metrorail station. To the west of the property is a 14-foot wide, north-south alley while to the northwest of the property, intersection of L and 1<sup>st</sup> Street, is a 14-story residential building while to the south west at M and 1<sup>st</sup> Streets, is a 12-story office building. Between Lot 834 and the alley is a two-story commercial building. Directly across M Street is the SEFC development; to the west of that is the site which is the subject of ZC 12-05, design review for a mixed residential, office, hotel and retail development for which a public hearing was held on October 2, 2012.

### Site Location



### Aerial Photograph



### III. PROJECT DESCRIPTION

In 2008, Zoning Commission Order 07-32, design review under the CG Overlay was approved. The proposal was for the construction of an 11-story office building at a density of 10.0 FAR, a maximum height of 130 feet and in accordance with the standards of LEED-Silver certification. The proposal would also include 5,726 square feet or a minimum of 35% of gross square footage of ground floor retail, service, entertainment, and arts uses. That proposal did not include the church property (Lot 834).

The applicant, NJA Associates and St. Matthews Church, is proposing an alternate development on a larger site which now includes the site on which the church is located, to construct a 13-story building containing approximately 287,937 square feet of gross floor area (9.4 FAR) with 312 residential units and 9,778 square feet of ground-floor retail uses. An underground garage with 174 parking spaces will be accessed directly off L Street while loading will be off an entrance along the alley.

The architecture proposed for the north building generally uses a modern vernacular, with significant amounts of glass supplemented with masonry. The building incorporates numerous balconies on the M Street and alley façades which OP supports.

The ground level renderings along M Street show general retail façades that are not customized to individual tenants. The applicant should provide more information about its commitment to varied retail designs and any design standards at the ground floor. OP supports the contrasting design of the residential design direction as it clearly identifies and separates the retail uses from the residential uses that front directly on New Jersey Avenue. More attention should be given to the L Street façade to add more articulation so as to improve on the back of building look. More information should also be provided about signage and lighting, especially signs above the ground floor.

### IV. COMPREHENSIVE PLAN and LAND USE MAP

The proposed development does not require PUD or rezoning approval, and is generally consistent with most aspects of the zoning regulations, specifically height, FAR and use. As such, the proposal is generally consistent with the Comprehensive Plan and would further the following Guiding Principles of the Plan, as outlined in Chapter 2, the Framework Element:

1. *Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1*
6. *Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6*
7. *Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass*

*needed to support new services, sustain public transit, and improve regional environmental quality. 217.7*

24. *Despite the recent economic resurgence in the city, the District has yet to reach its full economic potential. Expanding the economy means increasing shopping and services for many District neighborhoods, bringing tourists beyond the National Mall and into the city's business districts, and creating more opportunities for local entrepreneurs and small businesses. The District's economic development expenditures should help support local businesses and provide economic benefits to the community. 219.9*

The application is also consistent with major policies from various elements of the Comprehensive Plan including the Land Use and Transportation Citywide Elements, and the Lower Anacostia Waterfront/Near Southwest Area Element.

The Land Use Element encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2). That element also encourages architectural and site planning that supports pedestrian and bicycle access and ensures the comfort of pedestrians walking to and from the station. The Plan envisions a mixed use neighborhood in the Near Southeast/Navy Yard area with high-density residential and retail uses among other uses (§304.11). The Transportation Element supports transit-oriented development and discourages auto-oriented uses (T-1.1.4 and T-1.2.3). The proposed development would concentrate housing and retail at a Metro Station entrance and improve the streetscape along New Jersey Avenue, M Street and L Street to encourage walking.

The Lower Anacostia Waterfront/Near Southwest Area Element encourages the development of new neighborhoods to significantly increase residential land uses in the Near Southeast . . . (Policy AW-2.3.3). The proposal would be generally consistent with the existing zoning, by providing a mixed use development that includes housing as well as commercial uses. (§1913.9).

The Area Element (Policy AW-2.3.4) also emphasizes the transformation of M Street into an attractive pedestrian-oriented thoroughfare that is lined with retail shops and services, with upper story residential uses (§1913.10). The proposed development would assist in creating a walkable and mixed use neighborhood in Near Southeast and would not be inconsistent with the policies of the Comprehensive Plan.

### **Generalized and Land Use Maps**

The Comprehensive Plan's Generalized Policy Map describes this neighborhood as a Land Use Change Area, where the redevelopment of underutilized sites is encouraged. Plan policies promote a mix of uses in these areas as well as "exemplary site and architectural design" (Comprehensive Plan, §223.12). The plan notes that these areas have the potential to become complete mixed use communities (§223.11). The Future Land Use Map designates this area for a High Density Commercial, but residential uses are also encouraged.

## **V. ZONING**

The site is within the C-3-C District which permits medium-high density development including office, retail, housing and mixed use developments. The proposed residential and retail uses would be

permitted within this zone. The square is also located within the South Capitol TDR Receiving Zone. Within this area, as per §1709 of the Zoning Regulations, owners are able to purchase development rights. This allows, on this site, a by-right height of up to 130 feet and density of up to 10 FAR. The southern portion of the site is within the Capitol Gateway (CG) Overlay District which is intended to encourage a mix of uses while creating a pedestrian friendly environment. It also establishes objectives for new development, requires a mandatory Zoning Commission Review (such as along M Street SE), and guidelines for that review. The proposal generally conforms to the C-3-C requirements but requires special exception review from rooftop structure setback requirements.

### **Special Exception from roof top structure setback requirements (§ 411.11)**

As shown on Sheet A-8 and A-9, there are three areas of roof top structure relief required.

1. More than one enclosure;
2. Enclosing walls are of unequal heights; and
3. One of the roof top structures does not provide the 1:1 setback requirement.

There are stair towers on the north and south of the building and an elevator tower near the center of the building which are all necessary for building code requirements for separate means of egress from the building.

Due to the length and width of the building and the separate means of egress more than one enclosure is proposed in order to minimize the massing of the enclosure. To further reduce the massing and visibility of the structures the height of portion of the structures are reduced from the required 18.5-feet to 15-feet.

Because of the width of the building and the internal configuration of the building the portion of the northern roof structure which is adjacent to a courtyard wall does not meet the one-to-one setback. This area is not visible for the adjacent streets and would also not affect the light and air of the adjacent building. OP does not object to the requested, however, OP requests that the areas of relief be better highlighted on the plans for easy identification.

## **VI. CRITERIA FOR THE CAPITOL GATEWAY OVERLAY**

### **§ 1600.2 Purposes of the CG Overlay District are to:**

- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;**

Residential and retail are the primary uses on the site. The proposed height of 130-feet, a FAR of 9.4 and the style of architecture are appropriate to the area. These characteristics of the development are consistent with Comprehensive Plan policies.

- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;**

The project proposes a variety of retail uses, which would cater to both residents and visitors to the neighborhood.

- (e) **Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station;**

The building is required to be setback 15-feet from the M Street curb. The proposal exceeds this, as it would be setback 27.3-feet from M Street until it is interrupted by the Metro entrance. The project includes ground floor retail along M Street, and except for the lobby and individual residential entrances along New Jersey Avenue. The proposed retail space activates the public space around the metro rail entrance.

**§1604 CG Overlay Review**

**§1604 Buildings, Structures and Uses on M Street, SE.**

**§1604.1 The following provisions apply to new buildings, structures, or uses with frontage on M Street, SE within the CG Overlay.**

**§1604.2 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.**

No vehicular access points are planned on M Street. Parking will be accessed directly for L Street while the loading will be accessed from the alley.

**§1604.3 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen (15) feet measured from the face of the adjacent curb along M Street, SE.**

The design would provide a setback in excess of 15-feet along the M Street frontage.

**§1604.4 Each new building shall devote not less than thirty-five percent (35%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses (“preferred uses”) as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building). Such preferred uses shall occupy 100% of the building’s street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control.**

The applicant states that 42% of the ground floor will be for preferred uses. The proposed design shows 100% retail along the M Street frontage.

**§1604.5 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by §1604.4 by non-preferred uses for up to a five**

**(5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.**

The applicant has not requested temporary-use relief.

**§1604.6 Not less than fifty percent (50%) of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses or the building.**

The entire M street frontage is designed as a storefront and exceeds the 50% requirement for display windows with clear or low-emissivity glass.

**§1604.7 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.**

Based on building elevations and sections, it appears that all preferred uses in the project would have a slab-to-slab height of well over 14-feet which makes it possible to have a floor-to-ceiling heights at 14-feet or greater.

**§1604.8 A building that qualifies as a Capitol South Receiving Zone site under § 1709.18 and for which a building permit has been applied for prior to August 31, 2001, shall not be subject to the requirements of this section.**

Not applicable.

**§1604.9 Where preferred use retail space is required under this section and provided, the provisions of DCMR 11 §633 shall not apply.**

The property is not within the CR zone and therefore this section is not applicable to this development.

**§1610 Zoning Commission Review of Buildings, Structures and Uses**

**§1610.1 The following provisions apply to properties located:**

**(b) On a lot that abuts M Street SE;**

The subject property abuts M Street SE.

**§1610.2 With respect to those properties described in § 1610.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.**

**§1610.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, an applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:**

**(a) Help achieve the objectives of the CG Overlay District as set forth in §1600.2;**

Based on the materials submitted to date, the project would generally further the objectives of the CG Overlay. The project would be developed with a mix of residential and ground floor retail and will provide adequate sidewalk width along M Street, New Jersey Avenue and L Street. However, PEPCO vaults are shown along the L Street sidewalk. OP has requested that the vaults be sited and buffered so as not to negatively impact pedestrian movements.

**(b) Help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses;**

The proposal would provide a mix of residential and retail uses. The ground floor would be mainly retail, at the corner of M Street and New Jersey Avenue, and residential towards the northern end of the site.

**(c) Be in context with the surrounding neighborhood and street patterns;**

The proposed development would respect and enhance the surrounding neighborhood and street patterns. Most of the new buildings along adjacent streets are designed in a modern vernacular. While not particularly inventive or distinctive, the design of the proposed building would continue on that trend by using modern forms and materials and incorporating active street-level retail typical of an urban area.

**(d) Minimize conflict between vehicles and pedestrians;**

The proposed design would minimize conflict between vehicles and pedestrians. All loading would be accessed from the alley while the parking garage will be accessed from L Street. While OP generally encourages parking to be accessed from the alley, where one exists, the applicant has expressed concerns about the alley's capacity to accept this additional traffic. DDOT is expected to address this issue in their report. M Street and New Jersey Avenue frontages will have wide sidewalks and would be buffered from traffic by landscaping and street furniture.

**(e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and**

The renderings show street façades that are generally well articulated and which distinguishes the retail, lobby and residential areas along New Jersey. The L Street façade should be further articulated to look less like the rear of a building. This may be achieved through using some of the



materials and design elements that is used on the New Jersey Avenue façade or adding balconies (as on other facades) or other articulation.

- (f) **Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.**

The applicant has submitted a conceptual LEED checklist which shown that conceptually a total of 39 points could be garnered. The 39 points are below the LEED Certified level and the applicant has not committed to the 39 points. OP believes that the applicant should provide environmental benefits to at least meet LEED Silver level in order to demonstrate a commitment to minimize the development's impact on the environment.

**§1610.7 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.**

As described in Section V of this report, the applicant has requested special exception review for deviations from the roof structure requirements.

## **V. AGENCY AND COMMUNITY COMMENTS**

The proposal is being reviewed by DDOT and a report will be submitted under separate cover.

The ANC is scheduled to review the proposal at their October 15, 2012 meeting.

## **VII. CONCLUSION**

OP is supportive of the proposal as general being consistent with the criteria of the Capitol Gateway Overlay. OP has requested that the applicant address a number of issues highlighted in the report prior to the public hearing.